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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIFTH APPELLATE DISTRICT**

THE PEOPLE,

Plaintiff and Respondent,

v.

TERRANCE ERIC LANE,

Defendant and Appellant.

F079019

(Super. Ct. No. BF169600A)

OPINION

THE COURT*

APPEAL from a judgment of the Superior Court of Kern County. Stephen D. Schuett, Judge.

James E. Jones, under appointment by the Court of Appeal, for Defendant and Appellant.

Office of the State Attorney General, Sacramento, California, for Plaintiff and Respondent.

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* Before Peña, Acting P.J., Smith, J. and Meehan, J.

Appointed counsel for defendant Terrance Eric Lane asked this court to review the record to determine whether there are any arguable issues on appeal. (*People v. Wende* (1979) 25 Cal.3d 436.) Defendant was advised of his right to file a supplemental brief within 30 days of the date of filing of the opening brief. More than 30 days elapsed and we received no communication from defendant. Finding no arguable error that would result in a disposition more favorable to defendant, we affirm.

BACKGROUND¹

On September 1, 2017, Kern County Sheriff's deputies were dispatched to an audio burglar alarm at a residence. Upon arrival, they observed defendant running away from the residence and through various backyards. They apprehended defendant and a search of his person revealed a pocket knife, a face mask, an "American Canadian pin," a piece of an alarm door monitor, and gloves. The rear door of the residence had been pried open and damaged, and the entire residence appeared ransacked. The alarm piece found in defendant's pocket matched a broken area on the alarm inside the residence. Three storage sheds in the rear yard of the residence also had been forced open and ransacked. Outside the residence, the deputies located various items, including a television, a printer, a box of ice cream sandwiches, and a blue duffel bag containing miscellaneous items.

Deputies spoke with the homeowner, who identified the residence as her primary residence and the property found outside the residence as hers. She identified the American Canadian pin found on defendant as hers. She estimated the value of the property was \$3,602.

¹ The facts underlying the crimes are taken from the preliminary hearing transcript and the probation officer's report.

On October 25, 2017, the Kern County District Attorney filed a seven-count information, charging defendant with residential burglary (Pen. Code, § 460, subd. (a);² count 1), three counts of burglary (§ 460, subd. (b); counts 2–4), grand theft (§ 487, subd. (a); count 5), possession of burglary tools (§ 466; count 6), and resisting a peace officer (§ 148, subd. (a)(1); count 7). It also was alleged that defendant suffered a prior serious felony (§ 667, subd. (a)), which also constituted a strike. (§§ 667, subds. (c)–(j), 1170.12, subds. (a)–(e).)

On October 30, 2017, defendant was arraigned on the information, entered not guilty pleas, and denied all allegations.

On December 10, 2018, defendant withdrew his not guilty pleas and entered a no contest plea to all seven counts. He additionally admitted the prior strike and prior serious felony allegations.

On February 1, 2019, defendant was sentenced. The court denied defendant's request to strike the strike prior (see *People v. Superior Court (Romero)* (1996) 13 Cal.4th 497), and declined to exercise its discretion under section 1385 to strike the prior serious felony enhancement. The court sentenced defendant to the low term of two years on count 1, doubled to four years due to the strike prior, with an additional five years for the prior serious felony enhancement (§ 667, subd. (a)). On each of counts 2 through 5, the court sentenced defendant to a term of 32 months, to be served concurrently with count 1. A 180-day jail sentence for count 6, and a one-year jail sentence for count 7, also were ordered to run concurrently with the sentence on count 1. Defendant was also ordered to pay various fines and fees, including a \$300 restitution fine (§ 1202.4).

DISCUSSION

Having undertaken an examination of the entire record, we find no evidence of ineffective assistance of counsel or any other arguable error that would result in a

² Subsequent statutory references are to the Penal Code.

disposition more favorable to defendant. Defendant was properly advised before entering his no contest pleas and stipulating to a factual basis for the pleas. The sentence was consistent with the plea agreement and it represents an appropriate exercise of the court's discretion in light of the nature of defendant's conduct and his criminal history. (*People v. Sandoval* (2007) 41 Cal.4th 825, 847 [reviewing for abuse of discretion sentencing decisions, which must be based on “ ‘individualized consideration of the offense, the offender, and the public interest’ ”].)

DISPOSITION

The judgment is affirmed.